United Nations S/AC.44/2004/(02)/43

Security Council

Distr.: General
5 November 2004

Original: English

Security Council Committee established pursuant to resolution 1540 (2004)

Note verbale dated 28 October 2004 from the Permanent Mission of Iceland to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Iceland to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004) concerning the non-proliferation of weapons of mass destruction, and has the honour to refer to the note verbale dated 21 June 2004, in which information is requested on measures taken, or intended to be taken, by the Government of Iceland to implement the resolution (see annex).

04-59811 (E) 011204

Annex to the note verbale dated 28 October from the Permanent Mission of Iceland to the United Nations addressed to the Chairman of the Committee

ICELAND

National report pursuant to UNSCR 1540 (2004)

It was a truly historic move when the Security Council adopted Resolution 1540 focusing on combating the production, acquisition and use of Weapons of Mass Destruction (WMD) and their means of delivery, in particular by non-State actors.

The Resolution decides that all States shall refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and shall, in accordance with their national procedures, adopt and enforce appropriate effective laws to this end.

This Resolution also calls upon all States to take collective action to prevent the illegal trafficking and their means of delivery of WMD and related materials.

Iceland would like to express its support and welcomes the adoption of this very comprehensive Resolution on non-proliferation. In our specific situation being a State without national armed forces Iceland has always opposed the proliferation of WMD and their means of delivery and strongly supported all international non-proliferation efforts and the role of UN in this field.

Furthermore, Iceland sees this Resolution as an important tool to further enhance and strengthen international cooperation based on existing international law and, where necessary, strengthening of multilateral treaties whose aim is to prevent the proliferation of WMD.

Iceland has a number of legislative and executive measures in place to prevent the proliferation of WMD, and regularly reviews these measures as necessary to keep them up to date and in line with international commitments.

One of the main pieces of legislation to prevent proliferation of WMD, including by non-state actors, is the export control law and its accompanying regulations. Work is underway to further strengthen the existing export control regime in Iceland to e.g. include the "Catch-all" clause control in line with the recommendation of the Australian Group. This work is being carried out with representatives from a wide range of ministries and agencies, including the Customs Authorities, who have lead responsibility for preventing the import and export of unlicensed goods, investigating offences and what action to take in case of offenders.

Work will also be undertaken to keep exporters well informed about all relevant export controls in order to ensure they operate within the legal framework.

Furthermore, Iceland is a party to many international Treaties on non-Proliferation, as well as the Chemical Weapons Convention (CWC), and the Biological and Toxin Weapons Convention (BTWC).

Iceland is also a member of Missile Technology Control Regime (MTCR) and the Australian Group, where prohibitions are enacted in Icelandic law.

At the national level, Iceland has ratified all the twelve international conventions on terrorism and the European Convention on the Suppression of Terrorism concluded at Strasbourg on 27 January 1977. Furthermore, Iceland has implemented all relevant UN Security Council Resolutions against terrorism, including 1373.

Iceland applauds the global approach by the international community and its comprehensive response using the full set of tools available to governments, i.e. economic, political and diplomatic.

Comments to the specific issues raised posed by UNSCR 1540

Paragraph 1.

Decides that all States shall refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery;

It is the firm policy of the Icelandic Government not to provide any form of support of this kind to non-State actors, which is prohibited under Icelandic law.

Paragraph 2.

Decides also that all States, in accordance with their national procedures, shall adopt and enforce appropriate effective laws which prohibit any non-State actor to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, in particular for terrorist purposes, as well as attempts to engage in any of the foregoing activities, participate in them as an accomplice, assist or finance them;

In Iceland, at the national level, necessary steps have been taken to ratify all relevant UN-Conventions and Security Council Resolutions aimed at terrorism, including 1373, that have not already been ratified or implemented. The same applies regarding obligations under CWC and BTWC.

Paragraph 3.

Decides also that all States shall take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical, or biological weapons and their

means of delivery, including by establishing appropriate controls over related materials and to his end shall:
(a) Develop and maintain appropriate effective measures to account for and secure such items in production, use, storage or transport;
(b)Develop and maintain appropriate effective physical protection measures;
(c)Develop and maintain appropriate effective border controls an law enforcement efforts to detect, deter, prevent and combat, including through international cooperation when necessary, the illicit trafficking and brokering in such items in accordance with their national legal authorities and legislation and consistent with international law;
(d) Establish, develop, review and maintain appropriate effective national export and trans-shipment controls over such items, including appropriate laws and regulations control export, transit, trans-shipment and re-export and controls on providing funds and services related to such export and trans-shipment such as financing, and transporting that would contribute to proliferation, as well as establishing end-user controls; and establishing and enforcing appropriate criminal or civil penalties for violations of such export control laws and regulations;

Iceland has established a national licensing system for production, possession, and use of chemicals included in Schedule 1 of the CWC and implementation of reporting requirements for all chemicals included in the Schedules of the CWC.

Iceland fulfills its obligations in respect of nuclear material as one of the member countries of the IAEA.

One of the main objectives of the Icelandic Directorate of Customs is to strengthen control and hinder importation of illegal goods. The Directorate of Customs has the power to require information, examine and take samples for the purpose of verifying customs declaration in relation to goods imported or exported. The Customs, police and coastguard, subject to rights of innocent passage through territorial waters under the Law of the Sea Convention, has the right to stop and search vehicles/vessels on suspicion of carrying prohibited goods.

According to Amendment no. 50/2003 to Act no. 87/1998 on Official Supervision of Financial operation, which was enacted on 7 April 2003, the Financial Supervisory Authority now has the task to implement international obligations by which Iceland is bound, including the Resolutions of the Security Council, concerning financial assets and money transactions. The Financial Supervisory Authority instructs those financial institutions and individuals subject to the above-mentioned Act not to engage in business with listed persons and/or entities and furthermore, they are obliged to prevent by any means such individuals and/or entities from receiving any kind of financial assets.

Paragraph 5
Decides that none of the obligations set forth in this resolution shall be interpreted so as to conflict with or alter the rights and obligations of State Parties to the Nuclear Non-Proliferation Treaty, the Chemical Weapons Convention and the Biological and Toxin Weapons

Convention or alter the responsibilities of the International Atomic Energy Agency or the Organization for the Prohibition of Chemical Weapons;

Iceland is a state party to the Nuclear Non-Proliferation Treaty (NPT); the Chemical Weapons Convention (CWC); and the Biological and Toxin Weapons Convention (BTWC) and member of IAEA and OPCW.

Paragraph 6

Recognizes the utility in implementing this resolution of effective national control lists and calls upon all Member States, when necessary, to pursue at the earliest opportunity the development of such lists;

Iceland supports a strong and effective multilateral export control regimes. Iceland is a member of the Australian Group, the Missile Technology Control Regime and regularly updates its national export control lists. At present there is ongoing work to ensure that the Icelandic export control regimes respond to most recent developments.

Paragraph 8

Calls upon all States:

(a) To promote the universal adoption and full implementation, and, where necessary, strengthening of multilateral treaties to which they are parties, whose aim is to prevent the proliferation of nuclear, biological or chemical weapons;

The aim to prevent the proliferation of nuclear, biological or chemical weapons with promotion of universal adoption and full implementation, and, where necessary, strengthening of multilateral treaties is fully supported by Iceland.

(b) To adopt national rules and regulations, where it has not yet been done, to ensure compliance with their commitments under the key multilateral non-proliferation treaties;

When ongoing work has finished, before the end of the year, Iceland will fully comply with commitments under the key multilateral non-proliferation treaties and, at present, no action beyond this is foreseen.

(c) To renew and fulfil their commitment to multilateral cooperation, in particular within the framework of the International Atomic Energy Agency, the Organization for the Prohibition of Chemical Weapons and the Biological and Toxin Weapons Convention, as important means of pursuing and achieving their common objectives in the area of non-proliferation and of promoting international cooperation for peaceful purposes;

Iceland will continue to fully support the aim of these multilateral cooperation agreements in pursuing and achieving their common objectives, in the area of non-proliferation, and of promoting international cooperation for peaceful purposes.

(d) To develop appropriate ways to work with and inform industry and the public regarding their obligations under such laws;

Iceland is considering what further action might be necessary to establish closer working relationship with exporter and what advice and assistance is needed.

Paragraph 9

Calls upon all States to promote dialogue and cooperation on non-proliferation so as to address the threat posed by proliferation of nuclear, chemical, or biological weapons, and their means of delivery;

Iceland will promote this dialogue and address the threat posed by proliferation of nuclear, chemical, or biological weapons, and their means of delivery in a different range of fora.

Paragraph 10

Further to counter that threat, calls upon all States, in accordance with their national legal authorities and legislation and consistent with international law, to take cooperative action to prevent illicit trafficking in nuclear, chemical or biological weapons, their means of delivery, and related materials;

Iceland would welcome closer cooperation with other States to prevent illicit trafficking in nuclear, chemical or biological weapons, their means of delivery, and related materials and are considering what action might be taken.